

Appendix 9: Q1 Conduct of Reviews and Review Requirements

1. Conducting the Reviews from the Random Sample

- Reviewers will review the deficiency tag text associated with each tag listed in SharePoint using the guidance criteria provided below to answer each question. Reviewers will review up to four tags for each survey. If the survey includes both a health LSC and EP component, there will be at least one deficiency tag from the LSC component and one deficiency tag from the EP component, if there is a tag cited, to count in the four tags.
- Reviewers should indicate a "Yes" or "No" for whether the deficiency tag text met each guidance criterion. The reviewer should base his or her rating on the written documentation on the CMS-2567 without assuming additional information.
- If a reviewer rates the deficiency tag text as not meeting the specific criterion ("No"), the reviewer must provide an explanation within the provided text field.
- NOTE: Further instructions for conducting reviews on these surveys as well as surveys that were part of an enforcement case or a comparative survey will be provided separately to the Regional Offices.

2. Review Requirements

The purpose of the review is to assess whether each tag on the CMS-2567 is consistent with the Federal regulation at which it was cited and contains sufficient information to support the finding of noncompliance. The sample of CMS-2567s for review may include contractor surveys that are arranged by the State Survey Agency but should exclude federal contractor surveys.

Review requirements, guidance, and references are summarized in tables 7 and 8. If Requirement 1 is scored "No" for a specific tag, all other requirements (2 through 5 for nursing homes and 2 and 5 for non-nursing homes) are scored "N/A" for that specific tag. Likewise, if Requirement 2 is scored "No" for a specific tag, all remaining requirements (4 and 5 for nursing homes and 5 for non-nursing homes) are scored "N/A" for that specific tag.

Requirements 1-2 are related to guidance found in the Principles of Documentation. Requirements 3-5 are related to the categorization of a deficiency as it relates to the documented findings.

Table 7. Requirements for Principles of Documentation

Requirement	Guidance and References
1. There is sufficient evidence on the CMS-2567 to support a citation.	<p>Score Yes when:</p> <ul style="list-style-type: none">• There is evidence to support a citation of noncompliance.• All relevant what, who, where, when, and how questions are answered for the evidence that supports the finding of noncompliance:<ul style="list-style-type: none">○ What entity practice was noncompliant;○ Who were the residents/patients/clients or staff involved;○ Where the deficient practice occurred, e.g., specific locations in the entity or documents;○ When (e.g., for how long) the problem occurred. <p>Additional Guidance:</p>

	<ul style="list-style-type: none"> • This criterion is scored “Yes” if you can understand how the evidence presented on the CMS-2567 supports a finding of noncompliance on the part of the provider, regardless of the regulation cited. • If there are minor errors in the documentation that do not impact the ability to demonstrate noncompliance, this criterion should still be scored “Yes.” • This criterion is scored “No” when the documentation of evidence is unclear or vague such that it impacts the ability to demonstrate noncompliance.
2. The appropriate regulation was cited based on the evidence provided on the CMS-2567.	<p>Score Yes when:</p> <ul style="list-style-type: none"> • The noncompliance is cited at the correct requirement/condition. <p>Additional Guidance:</p> <ul style="list-style-type: none"> • This criterion is scored “Yes” if the findings are appropriate for the tag being reviewed not necessarily what the deficient practice statement (DPS) indicates the facility failed to do. • If the tag is appropriate but not necessarily the “best” tag, this criterion should be scored “Yes.” • This criterion is also scored “No” when the tag is not appropriate for the noncompliance described.

Table 8. Requirements for Assessment of the Level of Deficiencies

Requirement	Guidance and References
3. <i>Nursing homes only:</i> There is sufficient evidence to support the assigned severity rating as documented on the CMS-2567.	<p>Score Yes when:</p> <ul style="list-style-type: none"> • The evidence in the citation supports the assigned severity rating (severity is the level of outcome or potential/actual harm to residents). <p>Additional Guidance: Refer to the SOM Chapter 7, section 7410.2.2; Long Term Care Survey Process Procedure Guide; Appendix PP for severity guidance on specific tags; and Appendix Q.</p>
4. <i>Nursing homes only:</i> The scope rating of the citation accurately reflects the number of residents who are, or may be, affected by the deficient practice as documented on the CMS-2567.	<p>Score Yes when:</p> <ul style="list-style-type: none"> • The evidence in the citation supports the assigned scope rating (isolated, pattern, or widespread) based on the number of residents who are, or may be, affected by the deficient practice. <p>Additional Guidance: Refer to scope guidance in the Nursing Home Survey Resources folder on the CMS Website, Scope and Severity Grid document.</p>
5. <i>Non-nursing homes only:</i> The level of citation (Condition, Standard, or Element level) accurately reflects the evidence presented as documented on the CMS-2567.	<p>Score Yes when:</p> <ul style="list-style-type: none"> • The condition, standard, or element identifies noncompliance at the level cited and the actual and/or potential outcome to patients/clients. That is, the impact of the evidence/outcome is consistent with the level of citation. <p>Additional Guidance:</p> <ul style="list-style-type: none"> • A condition-level deficiency is cited when “the deficiencies ... adversely affect the health and safety of patients.” 42 CFR §§ 488.24(b) and 488.26(b). • If a condition-level deficiency exists, the CMS-2567 should identify the specific practices that must be corrected before the entity can be found to be in compliance.

	<ul style="list-style-type: none">○ If these practices refer to requirements specified at standards or other subsidiary requirements, the deficient practices and individual findings are cited at the relevant requirements.○ The findings under these subsidiary requirements may be referenced under the condition-level citation.● For a condition-level deficiency, the findings explain how the degree and manner of the deficient practice justifies a conclusion of noncompliance at the condition-level.● When a condition-level deficiency is reviewed, the Regional Office reviews its accompanying standard or other subsidiary deficiency(ies).● Each deficiency tag will be counted individually for this review (e.g., if one condition-level deficiency is reviewed with its two subsidiary deficiencies, this counts as three tags reviewed).
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